



**MORGAN HILL REDEVELOPMENT AGENCY
CITY COUNCIL**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

CITY COUNCIL

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

WEDNESDAY, APRIL 24, 2002

JOINT AGENDA

**SPECIAL AND REGULAR REDEVELOPMENT AGENCY MEETING
&
SPECIAL CITY COUNCIL MEETING**

6:30 P.M.

CALL TO ORDER

(Chairperson/Mayor Kennedy)

ROLL CALL ATTENDANCE

(Agency Secretary/City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Agency Secretary/City Clerk Torrez)

***A Special Meeting is called at 6:30 P.M. for the purpose of
conducting Closed Sessions.***

Dennis Kennedy, Chairman/Mayor

CLOSED SESSIONS:

City Council and Redevelopment Agency Action

1.

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel
Case Name: San Jose Christian College v. City of Morgan Hill
Case Numbers: USDC Northern California No. C01-20857 RMW
Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation
Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 3

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.
Case No: C 01-20976 PVT, United States District Court, Northern District of California
Attendees: City Council, City Manager, City Attorney

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Case: Kennedy, et al. v. Davis, et al.
Case No: CV 803679, Santa Clara County Superior Court
Attendees: City Council, City Manager, City Attorney

5.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Cases (3): Santa Teresa Citizen Action Group et al. v. Environmental Appeals Board of the United States EPA; Santa Teresa Citizens Action Group et al. v. California Energy Commission; Santa Teresa Citizens Action Group et al. v. California Energy Commission;
Case No/Court (3): Ninth Circuit Court of Appeals, No. 01-71611; Sacramento County Superior Court Civil No. 01 CS 01830; California Supreme Court Case No. S 103019
Attendees: City Council, City Manager, City Attorney

6.

CONFERENCE WITH LABOR NEGOTIATOR

Authority: Government Code Section 54957.6
Agency Negotiators: City Manager; Human Resources Director; City Attorney
Employee Organization: Unrepresented Management Employees
Chief of Police

Director of Business Assistance & Housing Services
Director of Community Development
Director of Finance
Director of Public Works/City Engineer
Human Resources Director
Assistant to the City Manager
Council Services and Records Manager
Recreation Manager

Middle Management - Group 1-B

Police Captain
Deputy Director of Public Works
Deputy City Attorney
Deputy Director of Finance
Chief Building Official
Human Resources Supervisor
Planning Manager
Senior Civil Engineer
Budget Manager
Business Assistance and Housing Services Manager
Police Support Services Supervisor
Senior Planner
Utility Systems Manager
Recreation Supervisor
Secretary to the City Manager
Project Manager

Confidential Non-Exempt Employees - Group 1-C

Administrative Analyst
Legal Secretary
Accounting Technician
Human Resources Assistant

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE AGENCY SECRETARY/CITY CLERK.
THE AGENCY SECRETARY/CITY CLERK WILL FORWARD CORRESPONDENCE TO THE
REDEVELOPMENT AGENCY/CITY COUNCIL.**

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 and #2, Agenda Items #3 through #5 and Agenda Item #6 may be acted upon with one motion, a second and the vote, by each respective agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Redevelopment Agency Action

Time Estimate

Consent Calendar: 1-10 Minutes

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- 1) **MARCH 2002 FINANCE & INVESTMENT REPORT** 1
Recommended Action(s): **Accept** and **File** Report.
- 2) **AMENDMENT TO CONSULTANT AGREEMENT - AUDIT SERVICES** 13
Recommended Action(s): **Authorize** The Executive Director to Amend the Contract for Annual Audit Services Extending the Terms of the Agreement for Fiscal Years Ending 2002 and 2003.

City Council Action

Time Estimate

Consent Calendar: 1-10 Minutes

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- 3) **AMENDMENT TO CONSULTANT AGREEMENT - AUDIT SERVICES** 67
Recommended Action(s): **Authorize** The City Manager to Amend the Contract for Annual Audit Services Extending the Terms of the Agreement for Fiscal Years Ending 2002 and 2003.
- 4) **APPROVAL OF RESOLUTION REGARDING CODE ENFORCEMENT APPEAL
HEARING** 125
Recommended Action(s): **Adopt** Resolution Upholding Hearing Officer's Code Enforcement Decision and Adopting Findings of Fact.
- 5) **AGREEMENT BETWEEN THE CITY AND INDEPENDENCE DAY INC. TO CO-SPONSOR
THE JULY FOURTH CELEBRATIONS** 129
Recommended Action(s): **Authorize** the City Manager to Sign the Agreement to Co-sponsor the July Fourth Celebrations and Support Independence Day Inc. by Contributing Funding and In-kind Services Not to Exceed \$14,100.

Redevelopment Agency and City Council Action

Time Estimate

Consent Calendar: 1-10 Minutes

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- 6) **APPROVAL OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL
REDEVELOPMENT AGENCY MEETING MINUTES OF APRIL 10, 2002** 137

Redevelopment Agency Action

OTHER BUSINESS:

Time Estimate

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- 7) **10 minutes** **LIBRARY-CITY-SCHOOL DISTRICT COOPERATIVE AGREEMENT
FOR LIBRARY PROJECT** 153
 Recommended Action(s): Approval of Cooperative Agreement for Proposition
 14 Library Bond Act Grant Application.

FUTURE AGENCY-INITIATED AGENDA ITEMS:

This is an Opportunity for Members of the Redevelopment Agency to Request Items for Future Agendas.
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate
an/or action taken on any request other than providing direction to staff to place the matter of business
on a future agenda.

ADJOURNMENT